

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, May 5, 2017

1. CALL TO ORDER

President Cole Portis convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. in the board room of the Alabama State Bar building, Montgomery, Alabama. Commissioner Les Pittman gave the invocation.

2. ROLL CALL

The secretary called the roll of the commission and the following commissioners were present:

Halron W. Turner	J. Levi Nichols	Courtney R. Potthoff
Larry W. Morris	Terri O. Tompkins	Hays Webb
Emily L. Baggett	Dana Grimes	John A. Smyth, III
Barry A. Ragsdale	Robert G. Methvin, Jr.	Michael D. Ermert
Allison O. Skinner	Brannon J. Buck	Erik Stephen Heninger
Kenneth Moore	Ralph E. Holt	C. Zack Moore
Frederick G. Helmsing, Jr.	James Rebarchak	Les Pittman
J. Flynn Mozingo	Jeffery C. Duffey	J. David Martin
Tom Perry, Jr.	William Randall May	Mark S. Boardman
Anne Malatia Glass	Robert L. Bowers	Manish H. Patel
Rebekah K. McKinney	Audrey O. Strawbridge	Daryl Burt
Clint L. Maze	Sam Irby	Roy W. Williams, Jr.
Lee F. Knowles	Sharon Hindman Hester	Andrew D. Stanley
Gregory M. Varner	R. Cooper Shattuck	Karen L. Laneaux
Kira Fonteneau	Jeanne Dowdle Rasco	Monet M. Gaines
Jana Russell Garner		

The following commissioners were absent:

William H. Broome	Leslie R. Barineau	LaBella S. Alvis
Thad Yancey, Jr.	William R. Lancaster	Bryan E. Comer
Charles C. Tatum, Jr.	George R. Parker	C. Gibson Vance
Donald R. Rhea	R. Cliff Mendheim	Eric Coale
Tazewell T. Shepard, III	John A. Brinkley, Jr.	M. Clay Martin
F. Patrick Loftin	J. Lynn Perry	Steven D. Adcock
Erskine R. Funderburg, Jr.	H. Thomas Heflin, Jr.	W. Thomas Chapman, II
Christy Williams Graham	Matthew C. Mitchell	Donald Ben Mansell
Scott L. McPherson	Diandra S. Debrosse	Meredith S. Peters
Rebecca G. DePalma	Ashley Swink Fincher	

Also in attendance were President-elect Augusta Dowd, Immediate Past President Lee Copeland and board counselor Richard J.R. Raleigh, Jr. Staff members in attendance were: Diane Locke, Douglas McElvy, Ed Patterson, Robert Thornhill, Linda Lund, Merinda Hall, Angela Parks, Margaret Murphy, Laura Calloway, Eric Anderson and Mark Moody. Suzi Huffaker, legislative counsel, was present as well.

3. **GUESTS**

Guests included David Dowd, husband of President-elect Augusta Dowd; The Honorable Scott Donaldson, Alabama Court of Civil Appeals, and Alabama State Bar Past President Sam Rumore.

4. **APPROVAL OF THE MINUTES OF THE MARCH 10, 2017 BOARD MEETING**

President Portis stated that the minutes of the March 10, 2017 Board of Commissioners meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER SHATTUCK MOVED TO APPROVE THE MINUTES OF THE MARCH 10, 2017 BOARD OF COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. **PRESIDENT'S REPORT**

President Portis recognized retiring commissioners:

J. Eric Coale	21st Judicial Circuit
Sam Irby	28th Judicial Circuit, Place 2
Lee F. Knowles	33rd Judicial Circuit
Sharon Hindman Hester	34th Judicial Circuit
Tommy Chapman	35th Judicial Circuit
Scott L. McPherson	41st Judicial Circuit
Ashley S. Fincher	At-Large, Place 9

Next, he updated the commission on the Legal Food Frenzy and recognized Commissioner Gaines who reported on the successful Minority Pre-Law Conferences that were held since the last meeting. The president then reported that the Lawyer University session held at the Birmingham Bar headquarters was well attended after which he detailed future sessions of Lawyer University. President Portis reported on his recent trip to Washington, DC as a part of the ABA Day in Washington and reminded commissioners that the president-elect and commissioner races would be held between May 15 and May 19. Continuing his remarks, the president thanked the Elections Committee for their service. They are: Commissioner Ralph Holt, chair; Commissioner Fred Helmsing; Commissioner Brannon Buck; Commissioner Terri Tompkins and Commissioner David Martin. He stated that the Bar Elections Certification Committee members will be: Commissioner Flynn Mazingo, Commissioner Monet Gaines and Commissioner George Parker.

President Portis concluded his report by discussing the recent email sent out at the request of the Alabama Supreme Court involving the theft of lawyer identification information in the electronic records of the Alabama court system. He reported that a task force chaired by Commissioner Ermert, will be working with court officials to prevent this from happening in the future. The president also reminded the commission that the annual meeting will be held at The Grand Hotel in Point Clear, July 12-15 and that the meeting will overlap with the judges' annual meeting being held there. He said several joint programs and activities had been planned for the occasion.

6. SECRETARY REPORT

The Secretary reported favorably on the progress of Commissioner Broome at UAB Hospital and encouraged commissioners to sign a card that would be sent to him. He also read a note from Leah McLain thanking the commissioners for the memorial resolution honoring Tony and their many kindnesses to their family over the years and following Tony's death.

7. OFFICE OF GENERAL COUNSEL REPORT

President Portis introduced Doug McElvy, Acting General Counsel. Mr. McElvy stated he was honored to serve and expressed his appreciation to the commission for placing its trust in him.

8. FINANCIAL REPORT

Director of Finance Merinda Hall reported on the financial operations of the bar for the second quarter of FY2016-17.

9. LAWYER ASSISTANCE PROGRAM UPDATE

Robert Thornhill, program director, reported that the program is currently working with 145 attorneys and law students and that 80 of them are under contract. He also stated that the recent Lawyer Assistance Program Retreat was a success and reported that he had received many favorable calls and comments about the lawyer assistance articles in the March issue of the *Alabama Lawyer*.

10. LEGISLATIVE UPDATE

Suzi Huffaker stated that there were six legislative days left in the regular session. She reported on several matters including the status of the court's budget and several pending pieces of legislation.

11. AMENDMENT OF BUSINESS SECTION BY-LAWS

Mr. David Dowd appeared on behalf of the Business Section and discussed the proposed amendment which would amend the Business Section's by-laws to allow for the section to have a Legal Opinions Standing Committee.

COMMISSIONER PERRY MOVED TO SUSPEND THE RULES IN ORDER TO VOTE ON THE AMENDMENT AS PROPOSED. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTES.

COMMISSIONER PERRY THEN MOVED TO ADOPT THE PROPOSED AMENDMENT TO PERMIT THE ESTABLISHMENT OF A LEGAL OPINIONS STANDING COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the amended by-laws of the Business Section is attached to these minutes as Appendix A.]

12. WELLNESS TASK FORCE REPORT

Commissioner Baggett reported on the several meetings and on-going work of the task force. She said that the task force is working on a program logo, a wellness component for the professionalism training course for new admittees and a dedicated health and wellness section on the bar's website. She also reported that there would be a speaker at the annual meeting sponsored by the task force.

13. LSA BOARD OF DIRECTORS NOMINATIONS

President Portis stated that nominations will be discussed in detail at the next meeting for the vacancy created by the resignation of Douglas McElvy from the LSA Board of Directors.

14. RULE III APPLICATIONS

The following individuals have applied for admission by motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. They are: Mark Talbot Croley (TX), Darcie Anne Bamberg Freitag (GA), Carey Brian Meadors (AR), Carling Tran Nguyen (TX), Hitenkumar Has Mukhlal Patel (MS), and Patrick Drake Schach (KY). The president reported that each of the individuals had met the requirements of Rule III.

COMMISSIONER TOMPKINS MOVED TO ADMIT MARK TALBOT CROLEY, DARCIÉ ANNE BAMBERG FREITAG, CAREY BRIAN MEADORS, CARLING TRAN NGUYEN, HITENKUMAR HASMUKHLAL PATEL, AND PATRICK DRAKE SCHACH PURSUANT TO RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. AWARD OF MERIT

President Portis reported that Professor Pam Bucy Pierson of the University of Alabama School of Law had been nominated for the Award of Merit.

COMMISSIONER FONTENEAU MOVED TO APPROVE PROFESSOR PIERSON AS THE RECIPIENT OF THE ALABAMA STATE BAR AWARD OF MERIT. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. COMMISSIONERS' AWARD

President Portis reported that Commissioner Bill Broome had been nominated for the Commissioners' Award.

COMMISSIONER BAGGETT MOVED TO APPROVE COMMISSIONER BILL BROOME AS THE RECIPIENT OF THE COMMISSIONERS' AWARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. SCRUGGS AWARD

President Portis stated that former bar president Alyce M. Spruell had received the nomination for the Scruggs Award.

COMMISSIONER SKINNER MOVED TO APPROVE ALYCE SPRUELL AS THE RECIPIENT OF THE SCRUGGS AWARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. TONY MCLAIN PROFESSIONALISM AWARD

President Portis stated that former bar president Sam Crosby had received the nomination for the Tony McLain Professionalism Award.

COMMISSIONER MAZE MOVED TO APPROVE SAM CROSBY AS THE RECIPIENT OF THE TONY MCLAIN PROFESSIONALISM AWARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

19. JUDICIAL AWARD OF MERIT

President Portis stated that the Judicial Study Committee recommended U. S. Magistrate John Ott to receive the Judicial Award of Merit.

COMMISSIONER SKINNER MOVED TO APPROVE U.S. MAGISTRATE JOHN OTT AS THE RECIPIENT OF THE JUDICIAL AWARD OF MERIT. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. AMENDMENT TO THE DONATED LEAVE POLICY

The secretary explained that the proposed amendment to the donated leave policy would allow bar staff members to donate unused leave time to fellow employees who have used all of their leave time to deal with a catastrophic illness or injury of an immediate family members or themselves and place that those unused leave hours in the leave bank for future as opposed to immediate need or use.

COMMISSIONER WILLIAMS MOVED TO APPROVE THE AMENDMENT TO THE ALABAMA STATE BAR DONATED LEAVE POLICY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the amendment as approved is attached to these minutes as Appendix B.]

21. ELECTION OF AT-LARGE COMMISSIONERS

President Portis stated that a list of all of the nominations for the three vacant at-large positions had been included in the meeting materials. He stated that the following nominees were recommended for consideration by the commission and that any additional nominations from the floor could be taken from the list of nominees as previously supplied. The recommended nominees were: Timothy P. Chinaris, LaTisha Rhodes Davis, Kira Fonteneau, Stephanie Kemmer, Meredith S. Peters, Elizabeth C. Smithart, John Thomas Stamps, III.

THE PRESIDENT ASKED FOR ANY FURTHER NOMINATIONS FROM THE FLOOR. COMMISSIONER GAINES MOVED TO CLOSED NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The president opened the floor for comments from the commission for each of the nominees. Following commissioner comments on behalf of each of the candidates, the president explained that voting would be by a show of hands and that each commissioner would have three votes and could cast those votes for any three of the nominees.

FOLLOWING THE PRESIDENT'S REMARKS, THE NAME OF EACH NOMINEE WAS CALLED AND A SHOW OF HANDS FOR EACH CANDIDATE. FOLLOWING THE VOTING, PRESIDENT PORTIS ANNOUNCED THAT THE THREE AT-LARGE COMMISSIONERS ELECTED WERE: LATISHA RHODES DAVIS, KIRA FONTENEAU AND JOHN THOMAS STAMPS, III.

22. RESOLUTION HONORING RETIRING BOARD SECRETARY AND EXECUTIVE DIRECTOR

President Portis read the following resolution honoring retiring board secretary and executive director Keith Norman.

WHEREAS, Keith B. Norman earned a Juris Doctor degree from the University of Alabama School of Law in 1981 and was admitted to the Alabama State Bar in that same year. He began his legal career with the Alabama Law Institute and served as staff attorney to The Honorable Hugh Maddox, Associate Justice of the Alabama Supreme Court. He then practiced law with the firm of Balch & Bingham in Montgomery; and

WHEREAS, Keith B. Norman began his distinguished career with the Alabama State Bar in 1988 as the Director of Programs working with the Mandatory Continuing Legal Education program, committees and task forces and the annual meeting; and

WHEREAS, Keith B. Norman became the Executive Director of the Alabama State Bar in 1994 and while serving the Alabama State Bar for 29 years has rendered notable service to the bar and the legal profession by virtue of his work through the many Alabama State Bar programs along with many bar volunteers; and

WHEREAS, Keith B. Norman is active in many professional organizations and groups including the Alabama State Bar, the Montgomery County Bar Association and the American Bar Association. He is a member of the National Association of Bar Executives, having served a term on that organization's Board of Directors. He is also a Fellow of both the American Bar Foundation and Alabama Law Foundation; and

WHEREAS, Keith B. Norman has unselfishly given his time and assistance to several generations of his fellow bar members and staff members while serving as Executive Director of the Alabama State Bar; and

WHEREAS, in such service as Executive Director of the Alabama State Bar, Keith B. Norman has served the legal profession and the public, epitomizing the state bar's motto, **Lawyers Render Service**.

NOW, THEREFORE, BE IT RESOLVED that the Alabama State Bar Board of Commissioners this day assembled pays its highest respect and expresses its deepest gratitude to Keith B. Norman for his exceptional service to the Alabama State Bar and its members, and that he be presented a copy of this resolution.

BE IT FURTHER RESOLVED that the Alabama State Bar Board of Commissioners recognizes and honors Keith B. Norman's wife, Teresa, an attorney, and their four children, Keith Byrne Norman, Jr., Effie Johnson Norman, Joseph Miller Norman and Harry Dickson Norman, II and that they be furnished with a copy of this resolution and that it be spread upon the permanent minutes of the Alabama State Bar.

DONE this the 5th day of May 2017.

Following the reading of the resolution, President Portis presented the secretary with a framed copy of the resolution as well as an honorarium on behalf of the commission and officers of the Alabama State Bar.

The secretary expressed his appreciation to the president, officers as well as the board for their resolution, the honorarium and their support throughout the tenure of his service as secretary and executive director.

22. ADJOURNMENT

President Portis asked if there was any further business to come before the commission. There being no further business to come before the commission, a motion was made and duly seconded to adjourn. The motion was approved by voice vote.

J. Cole Portis, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar